

### **REMARKS**

Claims 48-49 and 83-124 constitute the pending claims in the present application. Solely for easy of reading, claims 50-82 have been canceled without prejudice and replaced with new claims 92-124. These new claims, depending from claim 83 alone, are fully supported by the original specification. Claims 88 and 90-91 have been amended solely to correct claim dependency. No new matter has been introduced.

In reply to the outstanding Restriction Requirement, mailed June 30, 2004, in connection with the above application, Applicants hereby elect, with traverse, Group II (claims 50-66 and 81-91), drawn to a method of attenuating expression of a target gene using a variegated library. Applicants submit that new claims 92-124 depend from claim 83 and thus belong to Group II. Applicants traverse this restriction requirement based on the reasons which follow.

Applicants respectfully submit that Group II is closely related to Group I (claims 48-82 and 88-91), which is directed to a method of attenuating expression of a target gene using a dsRNA. As described above, claims 50-82 have been replaced with new claims 92-124 solely for easy of reading. Applicants note that both Group I and Group II are classified in class 514, subclass 44. Thus, simultaneous examination of the pending claims of Groups I and II will not impose a substantial additional burden on the Examiner. Pursuant to MPEP 803, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

For the above reasons, Applicants submit that there is no significant additional burden on the Examiner to search Group I together with the elected Group II. Therefore, reconsideration and withdrawal of the restriction requirement are respectfully requested.

### **CONCLUSION**

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants

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hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to Deposit Account No. 18-1945, under Order No. CSHL-P03-010 from which the undersigned is authorized to draw.

Dated: December 17, 2004

Respectfully submitted,

By

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